

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Nov 04, 2020**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Benjamin Ellis

Case Number: 0980 2:17CR00036-WFN-1

Address of Offender:

Spokane Valley, Washington 99216

Name of Sentencing Judicial Officer: The Honorable Justin L. Quakenbush, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: July 14, 2017

Original Offense: Felon in Possession of Firearms and Ammunition, 18 U.S.C. §§ 922(g)(1), 924(a)(2)

Original Sentence: Prison - 33 months;
TSR - 36 months

Type of Supervision: Probation

Asst. U.S. Attorney: David Michael Herzog

Date Supervision Commenced: November 22, 2019

Defense Attorney: Colin G. Prince

Date Supervision Expires: November 21, 2022

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 1/2/2020.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

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Mandatory Condition #1: You must not commit another federal, state or local crime.

Supporting Evidence: Per Spokane County Sheriff's Office (SCSO) report 2019-10182947, on December 30, 2019, Mr. Ellis is alleged to have committed the crimes of first degree assault, first degree robbery, and first degree unlawful possession of a firearm. On October 28, 2020, SCSO charged Mr. Ellis with these alleged crimes, which is a direct violation of mandatory condition number 1.

On November 3, 2020, the undersigned officer reviewed SCSO field case reports relative to Mr. Ellis. According to report 2019-1018247, on December 30, 2019, deputies were dispatched to an incident involving a drive-by-shooting. Before the responding units arrived, the assailant had fled the scene in a silver Nissan sedan. Officers performed first aid to the injured victim, and gathered evidence and witness statements. The victim explained before entering his residence, he was confronted by an assailant with a gun demanding his wallet. The victim in this case was ultimately fired upon two times, resulting in gunshot wounds to his hand and leg. Witness statements provided descriptions of the assailant and vehicle.

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Subsequently, SCSO deputies located the vehicle matching the description hours later. Attempts to conduct a traffic stop resulted in a police chase where Mr. Ellis, the sole occupant, was apprehended and arrested for felony attempting to elude a police vehicle and unlawful possession of a firearm in SCSO report 2020-10000007. Furthermore, the report 2019-10182947 indicates a witness verbally admitted to being with Mr. Ellis on December 30, 2019, when he shot the victim during an attempted robbery.

On November 25, 2019, Mr. Ellis participated in a supervision intake at the U.S. Probation Office. On that date, the mandatory, standard, and special conditions of supervised release were reviewed. Mr. Ellis signed a copy of the conditions of supervision acknowledging an understanding of his conditions.

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Standard Condition #10: You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person, such as nunchakus or tasers).

Supporting Evidence: Per Spokane County Sheriff's Office (SCSO) report 2019-10182947, Mr. Ellis is alleged to have committed the crimes of first degree assault, first degree robbery, and first degree unlawful possession of a firearm. On October 28, 2020, SCSO charged Mr. Ellis with these alleged crimes, which is a direct violation of standard condition number 10.

On November 3, 2020, the undersigned officer reviewed SCSO field case reports relative to Mr. Ellis. According to report 2019-1018247, on December 30, 2019, deputies were dispatched to an incident involving a drive-by-shooting. Before the responding units arrived, the assailant had fled the scene in a silver Nissan sedan. Officers performed first aid to the injured victim, and gathered evidence and witness statements. The victim explained before entering his residence, he was confronted by an assailant with a gun demanding his wallet. The victim in this case was ultimately fired upon two times, resulting in gunshot wounds to his hand and leg. Witness statements provided descriptions of the assailant and vehicle. SCSO report 2019-10182947 indicates the ammunition used in this incident matched the loaded ammunition in the firearm located in Mr. Ellis's vehicle following his arrest for attempting to elude a police vehicle and unlawful possession of a firearm in SCSO report 2020-10000007. DNA swabs collected from the firearm show Mr. Ellis was one of three contributors of DNA found. Furthermore, a witness verbally admitted to being with Mr. Ellis on December 30, 2019, when he shot the victim during an attempted robbery.

On November 25, 2019, Mr. Ellis participated in a supervision intake at the U.S. Probation Office. On that date, the mandatory, standard, and special conditions of supervised release were reviewed. Mr. Ellis signed a copy of the conditions of supervision acknowledging an understanding of his conditions.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 3, 2020

s/Mark E. Hedge

Mark E. Hedge

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

11/4/2020

Date